



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,517	03/30/2000	Albert Rudy Nelson	2207/8756	8533

23838 7590 09/23/2002

KENYON & KENYON
1500 K STREET, N.W., SUITE 700
WASHINGTON, DC 20005

EXAMINER

DHARIA, RUPAL

ART UNIT	PAPER NUMBER
----------	--------------

2181

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
09/539,517	NELSON, ALBERT RUDY	
Examiner	Art Unit	
Rupal D. Dharia	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 March 2000.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 30 March 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Thantrakul (5,784,611).

3. As per claims 1 and 14, Thantrakul teaches coupling a firmware hub recovery module having a firmware program to the circuit board (Abstract; Fig. 2); establishing communication between the CPU and the firmware hub recovery module (Abstract; Fig. 2; col. 2, lines 53-65); and booting the computer (Abstract; Fig. 9A, Item 142).

4. As per claims 2 and 4, Thantrakul discloses the claimed invention as described above and furthermore Thantrakul teaches reprogramming the firmware hub, by reading from the firmware hub recovery module and writing to the firmware hub (Abstract; Figs. 9A, 9B; col. 8, line 53 thru col. 9, line 33; col. 11, lines 1-13).

5. As per claim 3, Thantrakul discloses the claimed invention as described above and furthermore Thantrakul teaches establishing communications between the firmware hub recovery module and the CPU includes assigning the firmware hub recovery module as a firmware booting program (Abstract; Fig. 9A, col. 8, line 53 thru col. 9, line 33).

6. As per claim 5, Thantrakul discloses the claimed invention as described above and furthermore Thantrakul teaches powering the computer system before reprogramming the firmware hub (Fig. 9A, Item 126).
7. As per claim 6, Thantrakul discloses the claimed invention as described above and furthermore Thantrakul teaches reassigning the firmware hub as the firmware booting hub after the firmware hub has been reprogrammed (Abstract; Fig. 9A, 9B; col. 8, line 53 thru col. 9, line 33; col. 11, lines 1-13).
8. As per claims 7 and 15, Thantrakul discloses the claimed invention as described above and furthermore Thantrakul teaches supplying power to the firmware hub recovery module by the circuit board (Abstract; Fig. 2, 7; col. 7, lines 14-55).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thantrakul (5,784,611).

11. As per claims 8 and 13, Thantrakul teaches coupling a firmware hub recovery module having a firmware program to the circuit board (Abstract; Fig. 2); establishing communication between the CPU and the firmware hub recovery module (Abstract; Fig. 2; col. 2, lines 53-65);

and booting the computer (Abstract; Fig. 9A, Item 142). However, Thantrakul does not explicitly teach a jumper or a specific type of jumper (strapping) for enabling the firmware hub recovery module. Official notice is taken that both the concept and advantages of using a jumper or a strapping jumper to enable cards or modules on a circuit board are well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a jumper for enabling the module to alter an aspect of a hardware configuration by connecting different points in an electronic circuit to meet the system designer's requirements.

12. As per claim 9, Thantrakul discloses the claimed invention as described above and furthermore Thantrakul teaches reprogramming the firmware hub, by reading from the firmware hub recovery module and writing to the firmware hub (Abstract; Figs. 9A, 9B; col. 8, line 53 thru col. 9, line 33; col. 11, lines 1-13).

13. As per claims 10 and 11, Thantrakul discloses the claimed invention as described above and furthermore Thantrakul teaches powering the computer system before reprogramming the firmware hub (Fig. 9A, Item 126) and teaches supplying power to the firmware hub recovery module by the circuit board (Abstract; Fig. 2, 7; col. 7, lines 14-55).

14. As per claim 12, Thantrakul discloses the claimed invention as described above and furthermore Thantrakul teaches the firmware hub recovery module includes an EEPROM (Fig. 8, Item 104; col. 1, lines 33-40; col. 2, lines 52-67; col. 6, lines 40-53).

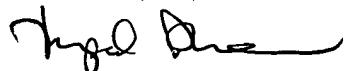
Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rupal D. Dharia whose telephone number is (703) 305-4003. The examiner can normally be reached on M-F 7:00 AM- 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Wong can be reached on (703) 305-3477. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3600.



Rupal D. Dharia
Primary Examiner
Art Unit 2181

Rdd
September 19, 2002